

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 1:20-cr-00123-MR-WCM**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE JAVIER GUERRA,

Defendant.

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ORDER

THIS MATTER is before the Court on the Defendant's "Motion for Docket Entries, Plea Agreement, and Sentencing Transcripts." [Doc. 40].

The Defendant pled guilty pursuant to a written plea agreement to one count of possession of a firearm after having been convicted of a felony, in violation of 18 U.S.C. § 922(g)(1). [Docs. 16, 19]. On December 20, 2021, the Defendant was sentenced to a term of 51 months' imprisonment. [Doc. 37]. The Defendant did not file an appeal.

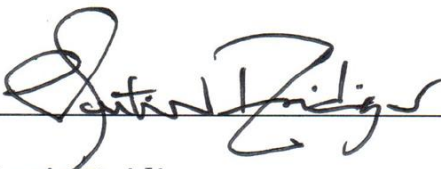
The Defendant now requests copies of "docket entries," his plea agreement, and his sentencing transcripts without cost to himself. [Doc. 40]. The Defendant has failed to demonstrate a particularized need for the requested transcript. See United States v. MacCollom, 426 U.S. 317, 326-27 (1976) (holding that federal inmates are not entitled to transcripts at

Government expense absent some showing of a particularized need); Jones v. Superintendent, Va. State Farm, 460 F.2d 150, 152 (4th Cir. 1972) (“[A]n indigent is not entitled to a transcript at government expense without a showing of the need, merely to comb the record in the hope of discovering some flaw.”) (citation omitted). Having failed to demonstrate a particularized need for the requested transcripts, the Defendant’s motion must be denied. The Court will, however, direct the Clerk to provide the Defendant with a copy of the docket sheet.

IT IS, THEREFORE, ORDERED that the Defendant’s Motion [Doc. 40] is **GRANTED IN PART** and **DENIED IN PART**. Specifically, the Defendant’s request for copies of his plea agreement and any sentencing transcripts at the Government’s expense is **DENIED**. The Defendant’s request for a copy of the docket sheet is **GRANTED**. The Clerk of Court shall provide the Defendant a copy of the docket sheet along with this Order.

IT IS SO ORDERED.

Signed: August 18, 2023



Martin Reidinger
Chief United States District Judge

